

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

CARMEN L. CONSTANTINOPL JR. and
DONNA M. CONSTANTINOPL

Debtor(s).



Order Filed on December 8, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-24822 CMG
Chapter: 13

Hearing Date: December 2, 2020

Judge: Honorable Christine M.
Gravelle

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: December 8, 2020

A handwritten signature in cursive script, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Applicant:	<u>PNC BANK, NATIONAL ASSOCIATION</u>
Applicant's Counsel:	<u>Fein, Such, Kahn & Shepard, P.C.</u>
Debtors' Counsel:	<u>BRIAN S. THOMAS</u>
Property Involved (Collateral")	<u>23 POMONA DRIVE BARNEGAT TWP, NJ 08005</u>

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent
 imposition of automatic stay against the
 collateral by debtor's future bankruptcy
 filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is
(are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtors are overdue for 8 months, from March 20,
2020 to October 20, 2020.
- ☒ The Debtors are overdue for 8 payments at \$1,376.67 per
month.
- ☐ The Debtors are assessed for N/A late charges at N/A per
month.
- ☐ Applicant acknowledges receipt of funds in the amount of
N/A received after the motion was filed.

Total Arrearages Due \$11,013.36.

2. Debtors must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$N/A.
Payment shall be made no later than N/A.
- ☒ Beginning on November 20, 2020, regular monthly mortgage
payments shall continue to be made in the amount of
\$1,376.67.
- ☐ Beginning on N/A, additional monthly cure payments shall
be made in the amount of \$N/A for N/A months.
- ☒ The amount of \$11,013.36 shall be capitalized in the
Debtors' Chapter 13 plan. The Debtors must file a modified
plan and budget within 7 days.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment: PNC Mortgage
3232 Newmark Drive
Miamisburg, OH 45324

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtors fail to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$500.00, and costs of \$181.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

In re:
Carmen L. Constantinople, Jr.
Donna M. Constantinople
Debtor(s)

Case No. 19-24822-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Dec 08, 2020

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 10, 2020:

Recip ID	Recipient Name and Address
db/jdb	+ Carmen L. Constantinople, Jr., Donna M. Constantinople, 23 Pomona Drive, Barnegat, NJ 08005-2511

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 10, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 8, 2020 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Brian S. Thomas	on behalf of Debtor Carmen L. Constantinople Jr. brian@brianthomaslaw.com
Brian S. Thomas	on behalf of Joint Debtor Donna M. Constantinople brian@brianthomaslaw.com
Denise E. Carlon	on behalf of Creditor PNC Bank National Association dcarlon@kmlawgroup.com, bkgrouper@kmlawgroup.com
Jill Manzo	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bankruptcy@fskslaw.com
Rebecca Ann Solarz	

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Dec 08, 2020

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor PNC Bank National Association rsolarz@kmlawgroup.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7